

**RESOLUTION NO. 08-74**

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA CONSENTING TO THE SUBLEASE BETWEEN METROPCS FLORIDA, LLC AND NEW CINGULAR WIRELESS PCS, LLC FOR SPACE ON THE TELECOMMUNICATIONS TOWER LOCATED AT MCDONALD PARK, 7505 WEST 12 AVENUE, HIALEAH, FLORIDA CONTINGENT UPON PAYMENT OF THE \$6,000 CONSENT FEE AND FURTHER AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO ENTER INTO A CO-LOCATION WIRELESS COMMUNICATIONS FACILITY LEASE AGREEMENT BETWEEN THE CITY AND METROPCS FLORIDA, LLC WHEREBY THE CITY SHALL RECEIVE 50% OF THE MONTHLY RENTAL PAYMENTS DUE ON THE SUBLEASE, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF IN SUBSTANTIAL FORM AS EXHIBIT "1".

**WHEREAS**, MetroPCS Florida, LLC ("MetroPCS") and New Cingular Wireless PCS, LLC ("Cingular") entered into a Master License Agreement and Site Lease Agreement whereby the MetroPCS shall sublease the telecommunications tower space from Cingular located at 7505 West 12 Avenue, Hialeah, Florida upon payment of a \$6,000 consent fee to the City of Hialeah and pay rent equal to 50% of the total amount due Cingular, which represents the sum of \$8,343.00 annually, payable in equal monthly installments of \$692.25; and

**WHEREAS**, the City of Hialeah finds it in its best interest to consent to the sublease since the ground lease between the City and Cingular provides for co-location of facilities on telecommunications towers on City property subject to the City's receipt of 50% of the revenue generated by the sublease.

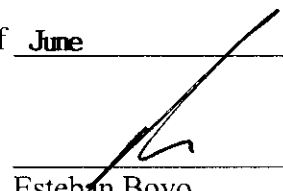
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The foregoing facts and recitations contained in the preamble to this resolution are hereby adopted and incorporated by reference as if fully set forth herein.

**Section 2:** The City of Hialeah, Florida hereby consents to the Sublease between MetroPCS Florida, LLC and New Cingular Wireless PCS, LLC for space on the telecommunications tower located at McDonald Park, 7505 West 12 Avenue, Hialeah, Florida contingent upon payment of the \$6,000 consent fee.


**Section 3:** The City of Hialeah authorizes the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Co-Location Wireless Communications Facility Lease Agreement between the City and MetroPCS Florida, LLC whereby the City shall receive 50% of the monthly rental payments due on the sublease, a copy of which is attached hereto and made a part hereof in substantial form as Exhibit "1".

PASSED AND ADOPTED this 24th day of June, 2008.

  
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Esteban Bovo  
Council President

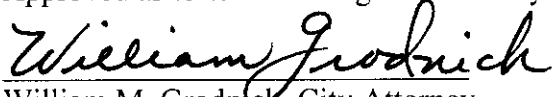
Attest:

Approved on this 21 day of June, 2008.

  
\_\_\_\_\_  
Rafael E. Granado, City Clerk

  
\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
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William M. Grodnick, City Attorney